

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:24-CV-00341-M

CHERYL CREWS,

Plaintiff,

v.

LELAND C. DUDEK,

Acting Commissioner of Social Security,

Defendant.

ORDER

This matter comes before the court on the Plaintiff's brief in support of her request for review of the Commissioner's decision. DE 11. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Robert B. Jones, Jr. issued a Memorandum and Recommendation ("M&R"), recommending that the court grant Plaintiff's request in part and remand the Commissioner's decision. DE 15. To date, no objections have been filed.¹


A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection

¹ Judge Jones issued the M&R on March 31, 2025, and ordered that the parties file any objections on or before April 14, 2025. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(2); Local Civil Rule 72.4(b).

is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff’s request for review and remand [DE 11] is GRANTED IN PART AND DENIED IN PART (only as to Plaintiff’s asserted “need for a walker”), and the Commissioner’s decision is REMANDED for further proceedings, as set forth in the M&R. The Clerk of Court is directed to close this case.

SO ORDERED this 7th day of May, 2025.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE